

HOUSE PASSES BARRETT BILL

Operations of Separate Street Car Bill Are Extended Over the Entire State.

CHURCHMAN BILL ENGROSSED

House Advances Measure to Reduce Railroad Fare—Senate Session.

The session of the General Assembly yesterday was devoted to hard work in both branches, but there was little debate in either.

Petition upon petition favoring the Mann amendments to the present liquor laws piled in and were referred. Judge Mann was a smile of gratification as member after member arose to present the papers in the upper branch. Members almost tumbled over one another offering them in the House.

Mr. Sadler offered a joint resolution in the Senate, which was adopted and communicated to the House, appointing a committee to inquire into the advisability of separating the positions of Register of the Land Office and Superintendent of Grounds and Buildings.

Important and interesting bills were offered in both houses and referred.

The House session was devoid of public interest. There was no debate on any proposition, and the session was largely devoted to the passage of uncontested measures.

The Churchman two-cent per mile passenger fare rate bill was ordered to its engrossment, and the Barrett bill, providing separate street cars for white and colored passengers, was passed.

Petitions flowed in favoring the Mann social club and dispensary bill, and a large number of measures were offered and referred.

THE SENATE.

Petitions for Amendment to Mann Liquor Law Continue to Pour in

Petition asking the enactment of the proposed amendments to the Mann liquor laws poured into the Senate again at the opening of the session yesterday. Two or three important committee reports were made. Several resolutions were offered, and a large number of new bills came in. The session was then called, bringing up nine House bills on their second reading.

Proceeding with the calendar the Senate engrossed the Thomas bill to provide for the issuing of county bonds for permanent road improvement and voted the measure to the adversely from committee to regulate the manner of bringing suits against incorporated cities or towns. When the bill authorizing the sale of lots purchased by the Commonwealth for delinquent taxes was reached, Mr. John C. Patterson, asked that the section be stricken out adversely, from committee to regulate the manner of bringing suits against incorporated cities or towns. When the bill authorizing the sale of lots purchased by the Commonwealth for delinquent taxes was reached, Mr. John C. Patterson, asked that the section be stricken out adversely, from committee to regulate the manner of bringing suits against incorporated cities or towns.

Discussion of the Sinn's bill to amend the act prohibiting the killing of certain game, took a queer turn, and the Senate was much amused at the anxiety of certain members to have it expressly provided that the bill-bats and muskrats may be slaughtered at any time or place. The constitutional requirements being dispensed with, an emergency bill of Mr. Hobbs, of Prince George, to prohibit the killing of certain game, took a queer turn, and the Senate was much amused at the anxiety of certain members to have it expressly provided that the bill-bats and muskrats may be slaughtered at any time or place.

Among the important bills engrossed during the day were one to establish a State geological and economic survey, and another to require the debt due to the Commonwealth by the insolvent Planters and Mechanics Bank, and the Chesapeake and Potomac Telephone Company, to be charged off the accounts kept by the auditor of public accounts and the treasurer.

The Strode Bill.

Consideration of the Strode bill, providing that the judgment of a circuit or corporation court, or other court of record, in any action at law requiring the plaintiff to remit any part of recovery, may be the subject of review by the Supreme Court of Appeals, precipitated a legal battle on the floor of the Senate. The issue was one of sweeping importance, and, moreover, was held by certain senators advocating the bill to involve the protection of the rights of individual citizens before the courts of law, as opposed to railway and other corporations, to whom it was asserted by some, undue consideration is shown by the State. The debate concerned technicalities of the law not familiar to the laymen, but a relation of the effects of the present law in a given case may make the situation clearer.

In arguing for the resolution, Mr. Strode recited the history of a case in which a man, suing a telephone company, had received a verdict of \$10,000 from the jury. The trial judge did not set the verdict aside, in which case the plaintiff might have taken an appeal, but placed the plaintiff on terms either to accept \$5,000 or to go through a new trial. The plaintiff in this case took the \$5,000, but under protest. The defendant refused to

pay even this amount, and carried the case to the Supreme Court.

When this was done the plaintiff on his part assumed to error the action of the trial judge in forcing him to accept half of what the jury had awarded. The Court of Appeals held that since the plaintiff had accepted the decision of the judge, although under protest, it could not review this point. This ruling effectively prevented the plaintiff in this or any other case from appealing straight to the Supreme Court, if he was not willing to submit to the figure set by the judge he would have to go through a new trial and then appeal, in which case the higher tribunal would be in position to review the first case.

The object of the Strode bill was to make a "short cut" and to allow the plaintiff, while accepting under protest the terms of the judge to carry the matter straight into the Court of Appeals without the expense and delay incident to a new trial. The bill in other words allowed the Supreme Court to review the action of the judge on an appeal from the plaintiff. The fight against the bill was led by Judge Phlegar, of Montgomery, who proposed an amendment, while permitting the higher court to review although the plaintiff had accepted under protest, made this possible only in case of appeals by the defendant. This removed the right of direct appeal from the plaintiff entirely except after he had gone through the second trial.

Closely Fought Battle.

The battle was long and closely fought; Judge Phlegar opposing the measure and Mr. Strode, Mr. Patton, Mr. Machen, Mr. Strode and others endorsing it.

Mr. Machen declared that the judges had gotten the idea that juries were prejudiced against corporations, and that they always have a depressing influence over verdicts. Not a single case was known, he said, in which the judges had ever added a cent, but they very frequently cut down the amounts allowed by juries. Captain Patterson was particularly severe in his denunciation of the law, which he declared to be "bunglesome, unscientific, immoral and unjust." It was, he said, a question of protecting the people against the corporations—the one-called man against the man with the heavier hat—a question of not allowing a judge favoring a corporation to be able to force a poor individual to an almost unbearable expense before he could get justice done.

About 2:30 o'clock the Senate adjourned, with Judge Mann, of Nottingham, on the floor. The discussion will be resumed to-day. Judge Mann is chairman of the Committee for Courts of Justice, which reported the Strode bill favorably.

Bills Introduced.

By Senator Kezell: To amend and re-enact section 231 of the Code, relating to the sale of unwholesome and diseased meat and food.

By Senator Sale: To amend and re-enact section 593 of the Code, relating to deeds of exorbitant property.

By Senator Noel: To repeal an act approved February 14, 1898, entitled "An act providing for working the public roads in Lee and Scott counties."

By Senator Sale: To amend and re-enact section 11 of an act entitled "An act to provide for the extension of the corporate limits of cities and towns, approved March 10, 1904, so as to allow district and county officers to remove to any other part of such city, or town without vacating their offices."

By Senator Fulton: To amend and re-enact an act for the opening, altering, widening and repairing public roads in the county of Warren, approved February 18, 1894.

By Senator Sims (by request): To amend and re-enact an act to authorize the Councils of towns, villages or the boards of supervisors of any county not having adequate police protection to prohibit the transportation by railroads of companies of excursions or picnic parties, such as towns, villages or other points under certain circumstances.

By same: To allow supervisors compensation for extra services heretofore rendered in the supervision of the working of public roads.

By same: To authorize the City Council of Fredericksburg, Va., to issue its coupon or registered bonds for the purpose of redeeming its 7 per cent. indebtedness.

By Senator Strode: To regulate and require connections between telephone and telegraph companies and the delivery of messages by telephone or telegraph companies subject to the orders of the State Corporation Commission.

By Senator Patterson: Resolution requesting the Committee for Courts of Justice to consider the propriety of drafting and reporting a bill clearly defining the summary process of contempt.

By Senator Harman: To amend and re-enact section 733 of the Code of Virginia, as amended and re-enacted by an act approved March 15, 1904, entitled an act to amend and re-enact section 733 of the Code of Virginia, in relation to State depositories.

HOUSE PROCEEDINGS.

Uncontested Bills Passed in a Long and Weary Session.

Rev. W. A. Cooper, of St. James M. E. Church, offered prayer in the House, and Mr. Churchman, of the body, were presided over by Speaker Cardwell.

Mr. Jennings offered a resolution providing for the consideration of uncontested bills on the calendar before contested ones are taken up for this day only, and it was adopted.

Mr. Green, of Fauquier, presented a petition many yards long from citizens of Fauquier and Loudoun, praying for the passage of the Mann social club law, and it was referred to the Finance Committee, along with a flood of others offered by Messrs. Row, Jennings, Scott, West, Gwathmey, Booker, Massie, Scull, Good and others.

A large number of bills were advanced, and Mr. Churchman made an unsuccessful effort to get up his bill providing for a two-cent per mile passenger rate on railroads.

Mr. Jennings raised a point, which the chair sustained, that only uncontested matter should be considered until all in this class is disposed of. Objection was finally withdrawn, and the bill explained

MAKERS OF VIRGINIA LAWS.



DELEGATE RICHARD E. BYRD.

by the patron and passed to its engrossment.

The bill offered by Mr. Barrett, providing separate street cars for white and colored passengers, was passed without serious objection.

The session was a most uninteresting one, and the monotony of oft-repeated roll calls became almost painful. Speaker Cardwell made his escape when the calendar was reached, and he called Delegate Bland, of Portsmouth, to the chair, and the latter presided with becoming grace and dignity.

House Bills Passed.

The following House bills were passed: Bill to prescribe the time in which allowances made by order of any Circuit or Corporation Court shall be presented to the Auditor of Public Accounts for payment.

To amend and re-enact section 2317 of the Code of Virginia, 1857, in reference to removal by courts, or their judges, without motion or notice, of suits, etc., which it is improper for them to try.

To amend and re-enact section 112 of the Code of Virginia in relation to construction of words "insane persons," white and colored insane persons; where received.

To repeal an act entitled "an act to provide for the working and repairing of the public roads and bridges of Isle of Wight county," approved March 5, 1904, as amended by an act entitled "an act to amend and re-enact section 9 of an act entitled an act to provide for working and repairing the public roads and bridges of Isle of Wight county," approved February 9, 1904.

To place a bronze tablet in the Capitol building containing thereon the names of the commissioners, clerks, architects and contractor under whose supervision the work of remodeling the building was done.

To amend and re-enact sections 11, 12, 43, 44, 45 and 47, chapter 4, of "an act concerning public service corporations," approved January 18, 1904, so as to require a separation of white and colored passengers on cars operated by electricity.

To amend and re-enact section three of an act approved May 15, 1903, entitled "an act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to carry out the provisions of the act to provide a state of Robert E. Lee, to be placed in the statue hall in Washington, and to constitute a commission to contract for said statue and present the same."

To amend and re-enact section 738 of the Code, as amended by an act of the General Assembly of 1902-3, approved December 19, 1902.

To repeal an act to amend and re-enact an act entitled "An act to regulate the hunting and killing or capturing of hares in the county of Norfolk," approved February 16, 1901.

To authorize the Council of the town of Suffolk to borrow money and issue bonds therefor. Patron, Mr. Withers.

To amend and re-enact section 18 of the charter of the town of Suffolk, as heretofore amended.

To repeal sections 7, 8, 9 and 10 of the charter of the town of Windsor.

To authorize the town of Courtland, in Southampton county, Va., to issue bonds and appropriate the proceeds thereof to the erection of a public school building in the said town.

To authorize the Council of the town of Edinburg to issue bonds and to borrow money for the purpose of establishing a system of water works for said town, and for other purposes.

To confer upon the State Corporation Commission power and authority to fix and prescribe the rates and charges of water supply companies and to prevent discrimination therein.

To empower the counties of Albemarle and Buckingham and the towns of Scottsville or either of them, or any one or more of them, to construct or aid in the construction of a bridge across James River, at or near the town of Scottsville, and to authorize and empower said counties and town, or either of them, or any one or more of them, to negotiate a loan or loans and to issue bonds for that purpose.

To amend and re-enact section 6 of chapter 208 of the acts of the General Assembly of Virginia, approved March 8, 1894, entitled "an act in relation to working and keeping in repair the roads and bridges in Alexandria county," as amended by an act approved March 3, 1896, and as amended by an act approved February 11, 1898.

To amend and re-enact section 2155 of the Code of Virginia of 1887, concerning the roughing of oysters.

To amend and re-enact an act entitled "An act to provide for the election of Justices of the peace, and their jurisdiction, in cities in which by the terms of their charters, no provision is made for the election of Justices of the peace," approved January 2, 1904, so as to provide for the appointment of additional Justices when necessary.

Offered and Referred.

The following bills were offered and referred: By Mr. Johnston—to amend and re-enact

section 1428 of the Code, in relation to the salary of division superintendents, as amended and re-enacted by an act entitled "an act to amend and re-enact chapter 66 of the Code," approved December 28, 1902.

By Mr. Greene—to authorize the district school board of Walton district, in the county of Charlotte, to expend surplus district school funds for the benefit of the State.

By Mr. Owens—to authorize the board of supervisors of Norfolk county to borrow money for the purpose of building sidewalks in the unincorporated villages in said county and to issue bonds therefor.

By Mr. Dunn—to amend and re-enact section 280 of the Code, in relation to provide for the working and repairing of roads and bridges in Albemarle county," etc., in relation to the compensation of the clerk and supervisors.

By W. W. Old, Jr.—To repeal an act entitled "an act to amend and re-enact section 185-6," in relation to liens on real estate for capitation tax.

By the Rev. L. J. Haley—to allow county supervisors compensation for extra services heretofore rendered in the supervision of the working of the public roads of their respective counties.

By Mr. Curlett—to settle aside one-fifth of the net oyster revenue for purchase of shells to be deposited on weakened natural oyster bottoms.

By W. W. Old, Jr.—To amend section 3179 of the Code, as to the closing of clerk's offices of courts of Norfolk county and Portsmouth on legal holidays.

By Mr. Slaughter—to amend section 2630 of the Code, as to coroners' and constables' fees.

By W. W. Old, Jr.—To amend section 1328 of the Code, in relation to public schools in cities and towns, constituting separate districts.

By Mr. Johnston—to amend chapter 10 of the Code, in reference to general special elections.

By Mr. Withers—to authorize clerks of courts to file discharges in bankruptcy in their offices, and to indicate on their deed books and other records and on their judgment dockets that certain judgments or debts may be affected thereby.

By Mr. Sydney—to authorize supervisors of the several counties to appropriate county funds in order to advertise said counties at the Jamestown Tercentenary, etc.

By Mr. Ould—to provide traveling libraries for the use of the general public and for the public schools.

By Mr. Glenn—to define and regulate mutual assessment and co-operative fire, tornado and hail insurance companies or associations.

By Mr. Johnston—to provide for the furnishing of adhesive stamps to the general clerks and treasurers of this State, which said stamps shall represent the State tax on wills, deeds and writs, and to prescribe rules for the use of same and penalties for violation of the rules.

By Messrs. Owens and Parker—to authorize the supervisors of Norfolk county to borrow money for the improvement of the public roads and to issue bonds therefor.

By Mr. Landwehr—to define the business of a lightning-rod dealer selling by sample and to impose a license tax on said business.

By Mr. Moncure—to amend the act approved March 14, 1904, to authorize the Councils of towns, villages, or where there are no Councils, the supervisors of any county in which there may be any town or village, or other certain in this State, not having adequate police protection, to prohibit the transportation by railroad companies of excursions or picnic parties, and to make it unlawful for railroad companies to transport excursions or picnic parties in water of 20 feet and over in depth in any of the rivers of the State.

By Mr. Swift—to authorize the Fredericksburg council to issue its coupon or registered bonds for the purpose of redeeming its 7 per cent. indebtedness and paying same off.

By Mr. Peyton—to amend section 733 of the Code in relation to State depositories.

By Messrs. Powers, Curlett and Moncure—to amend section 2083 of the Code, prohibiting the fishing of pears and round nets in water of 20 feet and over in depth in any of the rivers of the State.

Bridging the Hoang-Ho.

A very long bridge is being built over the Hoang-Ho, China, for the crossing of the river, which said bridge shall be about two miles wide at the crossing, and the bridge will have 102 spans, aggregating about 10,500 feet. A recent consular report, which gives some information about the railway says: "The bridge is not constructed of heavy structural steel, but is of more frail design, which, however, will apparently prove of ample strength for the light locomotives and cars in use on this road." The bridge should be completed within a very short time. The trip between Peking and Peking—164 miles—is expected to be reduced to thirty-six hours when the bridge is put in service.

CONSOLIDATION IS DISCUSSED

Senate Committee Hears Colonel Anderson and Attorney Page.

PARKER ON THE JUDGESHIP

Southampton Lawyer Not a Candidate and Does Not Desire New Circuit.

The bill offered in the House by Mr. Cox, of Richmond, and Messrs. Anderson and Harman, of Richmond, and Sale, of Norfolk, in the Senate, relating to the consolidation of cities and towns, was to have received consideration at the hands of a joint session of the two Committees on Counties, Cities and Towns last night, but Mr. Bland, of the House Committee, raised the point that some of his constituents not in the city desired to be heard, and the House Committee retired from the meeting.

The committee of the upper branch heard a partial discussion of the measure, but took no final action. The chief speakers were Colonel George Wayne Anderson, who, it is understood, drew the bill, and City Attorney Charles L. Page, of Manchester. The former pointed out the necessities for the passage of the measure in a very able manner, and the latter spoke for the principle of consolidation, but suggested amendments which he considered important to his people.

Mr. Page did not like the idea of the probability of putting Manchester in the legislative district with Richmond, nor of doing away with the courts in the city across the James. He argued, therefore, that it would amount to a calamity to his city to pass the bill in its present form.

The House Committee will give a hearing on the bill some day next week.

Portsmouth and Manchester are said to be the two cities peculiarly interested in defending the bill, while Richmond and Norfolk are, perhaps, the ones most deeply interested in its passage.

Mr. John C. Parker, of Southampton, gave out the statement last night on the subject of creating a new judicial circuit for his section of the State.

"I understand that some of the people in Richmond have stated that an effort will be made to form a new judicial circuit, composed of Southampton, Isle of Wight, Surry and Princess Anne, and the I would be very much interested in the subject of such new judicial circuit."

"I have no such idea, and have authorized no such statement to be made; I am strongly opposed to any change in the circuits in my section. My county is relieved of Brunswick and Greenbush, and I would be very much interested in the subject of such new judicial circuit."

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and that it would be pressed vigorously again this time. It is his purpose that the Southern Bell Telephone Company or any other similar concern entering the town of Amherst, for instance, shall be compelled, for a reasonable consideration, to allow the local Amherst telephone company the use of its connections.

In addition to this he is anxious to secure a delivery of messages between the companies, particularly between telephone and telegraph companies. Under this plan the telegraph company would be compelled to accept messages over the telephone, which is now frequently refused and which would be a great convenience to residents in the rural districts some distance removed from the stations.

An amendment to the Code proposed in the Senate by Mr. Kezell, of Richmond, provides that the meat of an animal which has developed the disease of actinobacillus or lumpy jaw shall be deemed unwholesome and inedible, and shall come within the provisions of the act imposing a jail sentence of not more than six months and a fine not exceeding \$100 upon any person who knowingly sells diseased food, whether meat or drink, without making it known to the buyer.

As forecast, the Senate yesterday adopted a joint resolution calling for a committee to inquire into the advisability of separating the duties of the Register of the Land Office from those of the Superintendent of Public Buildings and Grounds. The resolution was offered by Senator Sadler, of Powhatan, who explained that there appeared to be much confusion as to who is responsible for the care of the interior of the Capitol and the other government buildings. The resolution was adopted by a vote of 14 yeas and 10 nays.

"The Register of the Land Office," said Mr. Sadler, "understands that his duties are outside the buildings and grounds, and that it is not his duty to come inside. But we don't want to have as many feet here as there are lights. It is not my purpose to attach the blame to anybody. I think, however, that there is a misunderstanding that should be corrected. We should have some one man to supervise this work and see that it is done properly."

The resolution was unanimously adopted, and was at once communicated to the House by Mr. Sadler, who is one of the members of the committee of three delegates.

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